



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

**JAN 27 2010**

Honorable Kerri L. Briggs  
State Superintendent  
Office of the State Superintendent  
Government of the District of Columbia  
441 4<sup>th</sup> Street, NW  
Suite 350 North  
Washington, DC 20001

Dear Dr. Briggs:

This is to inform you that we have deposited into the U.S. Department of Education's (Department) G5 System, the funds that were withheld from the District of Columbia's Federal fiscal year (FFY) 2009 Individuals with Disabilities Education Act (IDEA), Part B grant award issued on July 1, 2009. A separate account has been established and the Department has released these funds into the G5 System, pursuant to the Memorandum of Agreement (hereafter, MOA or Agreement) entered into by the Department and the Office of the State Superintendent (OSSE) on December 7, 2009.

In correspondence dated July 1, 2009, the Department notified the OSSE that we had suspended payment of \$479,959 of the State's section 611 FFY 2009 funds based on the Department's June 1, 2009 determination that the District of Columbia "needs intervention" in implementing the requirements of the IDEA for the third consecutive year. As part of the Agreement, the OSSE agreed to dismiss its request for an administrative hearing challenging the Department's withholding decision. The OSSE also agreed to take corrective actions under specific timelines with the Department releasing portions of the withheld funds as the State meets the benchmarks established in the Agreement. The benchmarks and reporting requirements correspond to the areas and requirements that were cited as the bases for the Department's withholding action, which include noncompliance with requirements to: (1) provide timely initial evaluations and reevaluations; (2) implement due process hearing decisions in a timely manner; (3) identify and correct noncompliance with requirements of Part B and ensure placement in the least restrictive environment; (4) provide required data for State Performance Plan/Annual Performance Report compliance indicators 9 and 10 (disproportionate representation due to inappropriate identification), and 17 (timeliness of due process decisions); and (5) ensure individualized education programs include the required secondary transition content.

As provided in the MOA, if the Department determines that the OSSE has submitted a complete report that demonstrates that the OSSE meets all of the corresponding benchmarks by the target date, the Department will notify the OSSE that it may draw down the corresponding amount of withheld funds. The OSSE agreed not to draw down withheld funds from the G5 System until after it has reported on the specified dates, consistent with the terms of the Agreement and the Department has provided written notice to the OSSE that it has successfully met the corresponding benchmarks for the reporting period. The OSSE further agreed that the

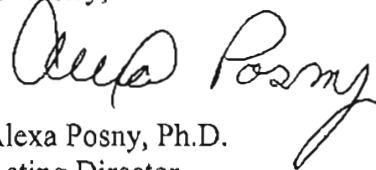
Agreement would be terminated if withheld funds were drawn down before the Department provided such written notice or if the OSSE draws down an amount in excess of the corresponding scheduled amounts. Please refer to pages 13-15 of the MOA for a complete description of the terms pertaining to the release of the withheld funds.

The amount of \$479,959 has been placed into a separate account with the grant number listed on the attached Grant Award Notification (GAN). This arrangement allows the Department to ensure that the OSSE is permitted to draw down the corresponding percentage of funds as the State achieves the benchmarks set forth in the MOA and to monitor when funds are drawn down from this account and the amount of funds drawn.

Please note that these funds are subject to the same terms and conditions contained in the July 1, 2009 FFY 2009 IDEA, Part B grant award letter, as modified by the MOA. As stated in the MOA, the Department intends to continue to designate the District of Columbia as a "high-risk" grantee during the term of the Agreement. The MOA also states that the FFY 2009 Special Conditions have been modified to align with the reporting required under the MOA to avoid duplication and to reduce the burden of the reporting. The modified FFY 2009 Special Conditions on the State's Part B funds require the OSSE to submit six benchmark target reports in addition to the October 1, 2009 FFY 2009 Special Conditions Report already submitted by the OSSE. The OSSE submitted its first benchmark target report on January 11, 2010. The Department appreciates the OSSE's timely submission of that information and will provide a written response to the report under separate cover.

Thank you for your ongoing commitment to the provision of quality educational services to children with disabilities. OSEP staff are available to provide technical assistance and guidance and we look forward to reviewing the OSSE's progress toward meeting the benchmark targets. If you have questions regarding the above or require additional information, please contact Lisa Pagano, your OSEP State Contact, at (202) 245-7413.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexa Posny".

Alexa Posny, Ph.D.  
Acting Director  
Office of Special Education Programs

Enclosures

cc: Tamera Lewis  
Assistant Superintendent for Special Education

## ATTACHMENT A

### SPECIAL GRANT CONDITIONS FOR PAYMENTS

#### THE G5 PAYMENTS MODULE

Payments under this award will be made through the G5-Payments module of, the U.S. Department of Education's (Department) electronic payments.. The G5paymentmodule and other web-based grant systems (e-Application, e-Reader, e-Reports,) (modules) within the Education Central Automated Processing Systems (EDCAPS) are administered by the Office of the Chief Information Officer, Financial Systems Services.

The internet address for G5 is <https://www.g5.gov>. To access the G5 Payments module, you must first have a G5 User Id and Password. You'll need to request a G5 User Id and Password from the Department of Education by submitting an **External Access Security Form**. This form is electronically available during online registration under "Not Registered? Sign Up", when you access the website. The Department will issue G5 User Ids and Passwords to those individuals authorized by the payee to access G5 to request funds and report expenditures. User Ids and Passwords cannot be faxed or given over the phone, and may not be shared by multiple users. The External User Access Request Form must be completed and mailed to the following address:

U.S. Department of Education  
Office of the Chief Information Officer  
Mail Stop – 4110  
Attn: G5 Functional Application Team  
400 Maryland Avenue, SW  
Washington, DC 20202

New grantees will be requested to provide pertinent information before they may begin requesting funds. Information to be provided includes:

- Designation of payee
- Payee contacts and mailing addresses
- Depositor account information
- Individuals authorized by the payee to access G5 to request funds - these individuals will be provided User Ids and passwords to access G5

The payee is the entity identified by the grantee to handle the financial aspects of the grant – e.g., request payments, report expenditures (the grantee and payee may be the same entity). Payees may begin requesting funds for the grantee once their award authorization is entered into G5 and the award start date is reached.

A copy of the Department of Education G5 Training Guide ( Guide), is available on the G5 website under "Help". The guide provides detailed instructions on all electronic payment processes. If you are not Internet capable, please contact the G5/GAPS Payee Hotline at toll free 1 (888) 336-8930 to request a hard copy of the Guide.

### **REQUESTING FUNDS USING THE G5 MODULE**

Payees can access the G5-Payments Module on-line to request funds. To access, payees need a Web browser (such as Microsoft Internet Explorer or Netscape Navigator) and Internet connectivity. Payees will request funds by award using the **PR/Award Number** found in **Block 5** of the **Grant Award Notification**. Instructions for navigating through the G5-Payments screens to make a payment request are given in the G5 Training Guide and the G5 OnDemand training located under "Help". Instructions for modifying payment requests, adjusting drawdown amounts, and viewing award and authorization histories are also included in the Guide.

Those payees who do not have the technology to access G5-Payments on-line may request funds by calling ED's G5/GAPS Payee Hotline by calling 1-888-336-8930.

### **AWARD INFORMATION**

Payees can get information on this award (1) on-line or (2) by calling ED's G5/GAPS Payee Hotline Staff at 1-888-336-8930.

#### **On-Line:**

Payees may access G5 via the Internet (<https://www.G5.gov>) to retrieve and view information on their awards, such as:

- Net authorization and authorization history
- Net draws
- Available balance
- History of pending and completed payments
- Award status
- Award history - including detailed transactions on drawdowns, returns, refunds, and adjustments

#### **ED's GAPS Payee Hotline Staff:**

Payees can contact a G5/GAPS Payee Hotline Staff for information on any award. Because award information is organized in G5 by a unique identifier - the Dun & Bradstreet Number (DUNS Number) - payees should have their DUNS number, identified in **Block 8** of the **Grant Award Notification**, available when contacting a G5/GAPS Payee Hotline Staff Representative.

**FINANCIAL REPORTS:**

When a Payee requests a drawdown of funds by grant award, the Department records this as an expenditure against the specific grant award. This method of identifying expenditures, at the time of drawdown, and the capability to make adjustments on-line eliminates the need for the submission of the Federal Cash Transactions Report Form 272. Therefore, no additional financial reporting will be required unless required by a specific program.

(10/2009)

## Attachment F

### Request for Approval of Program Income

In projects that generate program income <sup>10)</sup>, the recipient calculates the amount of program income according to the guidance given in:

- 34 CFR 74.20(f) [institutions of higher education, nonprofit organizations, and hospitals]; or
- 34 CFR 80.25(c) [State and local governments and Federally recognized Indian tribes].

Unless checked below as NOT ALLOWED, the recipient may exercise any of the options or combination of options, as provided in EDGAR <sup>11)</sup>, for using program income generated in the course of the recipient's authorized project activities:

\_\_\_\_\_ Not Allowed Adding program income to funds committed to the project by the Secretary and recipient and using it to further eligible project or program objectives;

\_\_\_\_\_ Not Allowed Using program income to finance the non-Federal share of the project or program; and

\_\_\_\_\_ Not Allowed Deducting program income from the total project or program allowable cost in determining the net allowable costs on which the Federal share of costs is based.

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<sup>10)</sup> As defined in §74.2 and §80.25(b) of the Education Department General Administrative Regulations (EDGAR)

<sup>11)</sup> 34 CFR 74.24(a)-(h) [Institutions of higher education, nonprofit organizations, and hospitals]; or 34 CFR 80.25(a)-(h) [State and local governments and Federally-recognized Indian tribes]

**Trafficking in Persons**

The Department of Education adopts the requirements in the Code of Federal Regulations at 2 CFR 175 and incorporates those requirements into this grant through this condition. The grant condition specified in 2 CFR 175.15(b) is incorporated into this grant with the following changes. Paragraphs a.2.ii.B and b.2.ii. are revised to read as follows:

"a.2.ii.B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR part 85."

"b.2.ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR part 85."

Under this condition, the Secretary may terminate this grant without penalty for any violation of these provisions by the grantee, its employees, or its subrecipients.

**ATTACHMENT U**

**PROHIBITION OF TEXT MESSAGING AND EMAILING  
WHILE DRIVING DURING OFFICIAL FEDERAL  
GRANT BUSINESS**

Federal grant recipients, sub recipients and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving.

Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009.

12/09

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